

Montana Department of Natural Resources and Conservation  
Water Resources Division  
Water Rights Bureau

**ENVIRONMENTAL ASSESSMENT**  
**For Routine Actions with Limited Environmental Impact**

**Part I. Proposed Action Description**

1. Applicant/Contact name and address: Montana Fish, Wildlife & Parks  
PO Box 200701  
Helena, MT. 59620-0701
2. Type of action: Application to Change A Water Right # 30041531-41C
3. Water source name: Lazyman Creek
4. Location affected by project: Sections 33 & 34 T9S R3W, Madison County
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:  
The Montana Department of Fish, Wildlife & Parks intends to lease 1 CFS up to 253 acre-feet of water from Lazyman Creek for instream fishery purposes. Leased w will flow into the Ruby River from May 15 to September 19 of each year. The DRNC shall issue an Authorization to Change if the applicant proves the criteria in 85-2-436 MCA are met.
6. Agencies consulted during preparation of the Environmental Assessment:  
(include agencies with overlapping jurisdiction) Montana State Historical Preservation Office, Montana Natural Heritage Program, Madison County Planning office, Montana Department of Fish, Wildlife & Parks, Montana Department of Environmental Quality

**Part II. Environmental Review**

**1. Environmental Impact Checklist:**

**PHYSICAL ENVIRONMENT**

**WATER QUANTITY, QUALITY AND DISTRIBUTION**

**Water quantity** - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.

*Determination:* Lazyman Creek is not listed as chronically or periodically dewatered. This application was filed by DFWP to leave water in Lazyman Creek.

**Water quality** - Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.

*Determination:* Lazyman Creek has not been listed on the DEQ, 303(d) list. Water quality will not be impacted by this project.

**Groundwater** - Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.

*Determination:* This instream use of surface water will have no impact on groundwater.

**DIVERSION WORKS** - Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.

*Determination:* Water will be left instream. Flows will be increased.

#### **UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES**

**Endangered and threatened species** - Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."

*Determination:* The Montana Natural Heritage Program was contacted. Gray Wolf, wolverine and Northern Goshawk may be found near this area. The Ruby River has been identified as supporting Westslope Cutthroat Trout. These species may benefit from leaving water instream.

**Wetlands** - Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.

*Determination:* No existing wetlands were identified.

**Ponds** - For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.

*Determination:* This project does not involve a pond.

**GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE** - Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.

*Determination:* The moisture content of the irrigated ground could be reduced when the leased 1 CFS is left instream and not used to flood irrigate the field.

**VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS** - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

*Determination:* Existing riparian vegetation along Lazyman Creek may experience increased growth when water is left instream. Noxious weeds should not be spread by this project.

**AIR QUALITY** - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

*Determination:* There should be no significant impact on air quality relating to this proposed project.

**HISTORICAL AND ARCHEOLOGICAL SITES** - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.*

*Determination:* Since this project does not involve any disturbance of the ground, or modifications of structures, SHPO believes there is a very low likelihood that cultural properties will be impacted.

**DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY** - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

*Determination:* No additional impacts on other environmental resources were identified.

<b>HUMAN ENVIRONMENT</b>
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**LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS** - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

*Determination:* The Madison County Planning Board has no restrictions against instream flow.

**ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES** - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

*Determination:* It appears that the lower portion of Lazyman Creek flows through Beaverhead National Forest. This National Forest land would remain open to recreational activities.

**HUMAN HEALTH** - *Assess whether the proposed project impacts on human health.*

*Determination:* No impact on human health is expected.

**PRIVATE PROPERTY** - *Assess whether there are any government regulatory impacts on private property rights.*

Yes\_\_\_ No\_X *If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.*

*Determination:* Private property rights are not impacted by this proposed action.

**OTHER HUMAN ENVIRONMENTAL ISSUES** - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

*Impacts on:*

- (a) Cultural uniqueness and diversity? No significant impact
- (b) Local and state tax base and tax revenues? No significant impact
- (c) Existing land uses? No significant impact
- (d) Quantity and distribution of employment? No significant impact
- (e) Distribution and density of population and housing? No significant impact
- (f) Demands for government services? No significant impact
- (g) Industrial and commercial activity? No significant impact
- (h) Utilities? No significant impact
- (i) Transportation? No significant impact
- (j) Safety? No significant impact
- (k) Other appropriate social and economic circumstances? No significant impact

**2. *Secondary and cumulative impacts on the physical environment and human population:***

Secondary Impacts It has been determined that there are no secondary impacts to the human population and physical environment.

Cumulative Impacts It has been determined that there are no cumulative impacts to the human population and physical environment.

**3. *Describe any mitigation/stipulation measures:*** No mitigation measures are necessary.

**4. *Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:*** If this change is not Authorized, and the lease is not in effect, Lazyman Creek will continue to provide poor spawning habitat for Grayling. If the fishery is to be improved, leasing water to remain instream is the only reasonable option.

**PART III. Conclusion**

1. **Preferred Alternative** To have this change Authorized so DFWP can lease the 1 CFS on Lazyman Creek.

2. **Comments and Responses** No comments or responses have been received to date.

3. **Finding:**

Yes \_\_\_ No  Based on the significance criteria evaluated in this EA, is an EIS required?

*If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:*

*Name of person(s) responsible for preparation of EA:*

*Name:* Jan R Mack

*Title:* Water Resources Specialist

*Date:* March 21, 2008